

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROSE STERLING,

Plaintiff,

-against-

HUMAN RESOURCES ADMINISTRATION
(SOCIAL SERVICES),

Defendant.

21-CV-10192 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this action *pro se*. By order dated February 2, 2022, the Court granted Plaintiff 60 days' leave to submit an amended complaint. On April 5, 2022, the Court granted Plaintiff an additional 30 days to comply. On May 4, 2022, the Court received a second request from Plaintiff for an extension of time to file her amended complaint. (ECF 9.) She asserts that there has been a delay in her ongoing administrative proceedings and suggests that the delay has impacted her ability to file an amended complaint.

The Court grants Plaintiff's request for another extension of time. Plaintiff is directed to file an amended complaint within 30 days of the date of this order. If Plaintiff fails to comply within the time allowed, and she cannot show good cause to excuse such failure, this action will be dismissed for failure to state a claim upon which relief may be granted. No further extensions will be granted.¹

¹ In the February 2, 2022, order to amend, the Court directed Plaintiff to provide the following: (1) facts suggesting that she has standing to bring claims on behalf of her son's, Bob Sterling, estate; and (2) facts indicating a viable due process claim, such as the unavailability or inadequacy of state post-deprivation procedures to challenge the alleged termination of Bob's Medicaid benefits. The requested information is not contingent on the resolution of Plaintiff's administrative proceedings and any request that would further delay this action will be summarily denied.

CONCLUSION

The Court grants Plaintiff's request for another extension of time to file an amended complaint. (ECF 9.) Plaintiff is directed to file an amended complaint within 30 days of the date of this order.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: May 4, 2022
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge